

## REMARKS/ARGUMENTS

Claims 9-19 are currently pending and stand rejected. Claims 20-26 are cancelled without prejudice.

Claims 9-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kameyama (US Patent 6,466,054) in view of Cress (U.S. Patent No. 6,483,386).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143.

Claim 9, 16, and 25 recites, among other limitations, "at least one native NMOS transistor device having a threshold voltage less than 0V". Examiner has indicated that "The Kameyama reference does not disclose that the at least one pass NMOS transistor device is a native NMOS transistor device having a threshold voltage less than 0V. However, the Cress et al reference discloses ... a pass transistor device (M3) is a native NMOS transistor device having a threshold voltage less than 0V", Final Office Action (FOA), p. 3. Examiner has also indicated that "it would have been obvious to one having skill in the art at the time the invention was made to modify the circuit in Figure 5 of the Kaneyama et al reference by specifically using the native transistor having a threshold voltage of less than 0V, as taught by the Cress et al reference for the NMOS pass transistor (801) for the purpose of reducing noise and improving the performance of the circuitry since native NMOS pass transistor provides a signal with low distortion." FOA, at 3.

However, "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no

suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)". MPEP 2143.01.

Examiner's attention is called to Kaneyama, Col. 4, Lines 58-62, which state, "That is a strict limitations is imposed on the element characteristics of the p-channel MOSFET 800 and n-channel MOSFET 801, an in order to attain the desired level conversion, for example, a MOSFET having a threshold voltage of 0V to approximately 0.05V is required." (Emphasis Added). Not only does Kameyama teach away from the modification proposed by Examiner, but the combination proposed by Examiner renders Kameyama unsatisfactory for its intended purpose. Accordingly, there is no suggestion or motivation to make the proposed modification. Accordingly, Examiner is requested to withdraw the rejection to claims 9 and 16, as well as dependent claims 10-15, and 17-19.

Amendment and Response  
Serial No. 10/664,379  
Art Unit: 2816

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that the pending claims define allowable subject matter. Applicants respectfully request that the present case pass to allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

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Respectfully submitted,

by:   
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